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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,397

04/26/2005

Eiji Oki

5259-052/NP

1591

27572 7590 10/28/2008
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EXAMINER

PHAM, TITO Q

ART UNIT

PAPER NUMBER

2419

MAIL DATE

DELIVERY MODE

10/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/533,397	Applicant(s) OKI ET AL.	
	Examiner TITO PHAM	Art Unit 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 20-23, 25, 42 and 43 is/are rejected.
- 7) ☒ Claim(s) 4-19, 24, 26-41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This communication is in response to amendment filed on July 15, 2008. Claims 1-43 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 20-23, 25, 42, and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Oki et al. (US Pub. No. 2003/0161633), hereinafter Oki.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Regarding **claims 1 and 22**, Oki discloses a method and a GMPLS+IP/MPLS node (figure 22 node 3C) which is used in a network in which a GMPLS (Generalized Multi Protocol Label Switching) network (figure 22 optical network 8C) and an IP

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(Internet Protocol) network (figure 23 network 7C) are mixed, the GMPLS network comprising a node (figure 22 node 3C) having a GMPLS function (LSC function), the IP network comprising an IP/MPLS (Internet Protocol/Multi Protocol Label Switching) node (figure 22 node 2C), and which constitutes the GMPLS network (figure 22 network 8C), and which processes a GMPLS protocol (optical LS) and an IP/MPLS protocol (PSC), the GMPLS+IP/MPLS node comprising:

a device (figure 22 element 30C) which establishes a GMPLS label path of a packet layer (paragraph 296) with another GMPLS+IP/MPLS node in the GMPLS network (paragraphs 58 and 59); and

a device (figure 22 element 1C-3) which tunnel transfers (see figure 22; packet is tunneled though optical path) a packet transferred from the IP/MPLS node (figure 22 node 2C) with the other GMPLS+IP/MPLS node (figure 22 node 3C) through the GMPLS label path.

Regarding **claims 2 and 23**, all limitations in claims 1 and 22 are disclosed above. Oki further teaches a device which advertises link state information of the GMPLS label path of the packet layer to the IP/MPLS node by a router LSA (Label Switching Advertisement) as a normal link in the IP/MPLS node (figure 23, paragraphs 403).

Regarding **claims 3 and 25**, all limitations in claims 2 and 22 are disclosed above. Oki further teaches a device (figure 23 element 22C) which holds the link state information having the GMPLS label path of the packet layer advertised as the link; and

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a device (figure 23 element 23C) which holds link state information inside of the GMPLS network.

Regarding **claim 21**, all limitations in claim 1 are disclosed above. Oki further teaches an IP/MPLS node (figure 22 node 2C) which is connected to the GMPLS network, and which is provided with a device (figure 23 element 23C) which holds link state information having a GMPLS label path of the packet layer advertised as a link.

Regarding **claim 20**, Oki discloses an IP/MPLS node (figure 22 node 2C) which is used in a network in which a GMPLS network (figure 22 network 8D) and an IP network (network 7D) are mixed, the GMPLS network comprising a node (node 3C) having a GMPLS function, the IP network comprising an IP/MPLS node, and which is connected to the GMPLS network, and a GMPLS+IP/MPLS node which constitutes the GMPLS network and which is capable of processing a GMPLS protocol and an IP/MPLS protocol establishes a GMPLS label path of a packet layer with another GMPLS+IP/MPLS nodes in the GMPLS network (see figure 22),

the IP/MPLS node comprising a device (figure 23 element 23C) which holds link state information having a GMPLS label path of the packet layer advertised as a link (paragraph 403).

Regarding **claim 42**, all limitations in claim 23 are disclosed above. Oki further teaches IP/MPLS node holds link state information having the GMPLS label path of the packet layer advertised as a link (figure 23 element 22C).

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Regarding **claim 43**, all limitations in claim 22 are disclosed above. Oki further teaches providing an IP/MPLS node (figure 22 node 2C) which transfers a packet, and which advertises link state information of the GMPLS label path of the packet layer to another IP/MPLS node by a router LSA as a normal link in the IP/MPLS node (figure 23), and which holds link state information having the GMPLS label path of the packet layer advertised as the link from the GMPLS+IP/MPLS node or the other IP/MPLS node (figure 23 link state database 22C and 23C)(paragraph 403).

Allowable Subject Matter

4. Claims 4-19, 24, 26-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TITO PHAM whose telephone number is (571)272-4122. The examiner can normally be reached on Monday-Friday 9AM-6PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Ryman can be reached on 571-272-3152. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TP

/DANG T TON/

Supervisory Patent Examiner, Art Unit 2616/D. T. T./

Supervisory Patent Examiner, Art Unit 2616